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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3031 OF 1996
WITH
WRIT PETITION NO. 5219 OF 1996

USV Limited and others .....Petitioners

V/s.

Union of India and others .....Respondents

WITH
WRIT PETITION NO. 3449 OF 1996

M/s. Raj Medicals & others ....Petitioners

V/s.

Union of India and others ....Respondents

WITH
CIVIL APPLICATION NO. 1364 OF 2005

Union of India and another ....Applicants

V/s.

Raj Medicals and others ....Respondents

WITH
CIVIL APPLICATION NO. 1365 OF 2005

M/s. Raj Medicals and others ....Applicants

V/s.

Union of India and another ....Respondents

WITH
CIVIL APPLICATION NO. 1368 OF 2005

Union of India and another ....Applicants

V/s.

U.S.V. Ltd. And another ....Respondents

WITH
WRIT PETITION NO. 6135 OF 2003

Ranbaxy Laboratories Ltd and others ....Petitioners

V/s.

Union of India and others ....Respondents

AND
WRIT PETITION NO. 1749 OF 1999

M/s. Cipla Ltd. & another ....Petitioners

V/s.

Union of India and others ....Respondents

WITH
WRIT PETITION NO. 101 OF 2001

WITH
WRIT PETITION NO. 2407 OF 2000
WITH
CHAMBER SUMMONS NO. 63 OF 2001
WITH
WRIT PETITION NO. 2408 OF 2000
WITH
CHAMBER SUMMONS NO. 64 OF 2001

Korpan Ltd. & another ....Petitioners

V/s.

Union of India and others ....Respondents

Mr. Janak Dwarkadas, Senior Advocate a/w Ms. Bindi Dave, Mr. Jeshan Sinha I/b Wadia Ghandy & Co. for petitioner in OS WP 1749 of 1999
Mr. Navroz Seervai, Senior Advocate a/w Gulnar Mistry, R. Kazi, Guru, Shanmugam I/b M & M Legal Venture for the petitioner in OS WP nos. 2407 of 2000, 2408 of 2000 & 101 of 2001
Ms. Shruti Katakey I/b Crawford Bayley & Co. for the petitioner in AS WP nos. 3449 of 1996 and ASWP 6135 of 2003.
Ms. Swati Sutar I/b Dhru & Co. for the petitioner in ASWP 3031 of 1996 and ASWP 5219 of 1996
Dr. G. R. Sharma a/w Ms. Madhu Kajale, Mr. N. R. Prajapati, Mr. D. P. Singh, Mohd. Naved Mulla for Union of India
Mr. Milind More Addl GP for respondent nos. 3 to 5.

CORAM : SHANTANU KEMKAR AND
NITIN W. SAMBRE, JJ.

DATE : JULY 5, 2018.

P.C.

The learned counsel for Union of India has pointed out the order dated 20/07/2016. In the said order, certain directions have been issued by the Supreme Court which read as under:

> "*We have been informed that some of the parties have complied with this order and have deposited 50% of the "overcharged" amount. If that is so, the High Court may hear and decide their case in accordance with the decision of this Court. Where the demand notice has not been complied with and 50% of the "overcharged" amount has not been deposited, we grant six weeks from today to make the deposit. If the amount is not deposited within this period, then the Union of India may take coercive steps to recover the full demanded amount".*

2 The learned counsel appearing for the petitioners, excluding petitioner in OS WP nos. 2407 of 2000, 2408 of 2000 & 101 of 2001, submit that they will file appropriate affidavit demonstrating as to how the order of the Supreme Court has been complied with.

3 Let the affidavit as aforesaid be filed within 4 weeks. Counter

affidavit, if any, may be filed by the Union of India within 4 weeks thereafter.

4 According to the senior counsel appearing for the petitioner in OS WP nos. 2407 of 2000, 2408 of 2000 & 101 of 2001, petitioners are not required to deposit amount as they did not approach the Supreme Court and that the said order will confine only to those who had approached the Supreme Court. However, the learned counsel appearing for the Union of India has disputed this submission. Let the appropriate application explaining this fact be filed by the petitioners within 4 weeks. Counter to the application may be filed by the Union of India within 4 weeks thereafter.

5 List the matters on 27/08/2018 under the caption for "directions".

[NITIN W. SAMBRE, J.] **[SHANTANU KEMKAR, J.]**